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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,268	05/15/2001	Donald J. Ethen	RA-5388	2684

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EXAMINER
HOMERE, JEAN RAYMOND

ART UNIT	PAPER NUMBER
2177	H

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,268

Applicant(s)

ETHEN ET AL.

Examiner

Jean R. Homere

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Walster et al. (Walster), US Patent No. 5,794,239.

As to claim 1, Walster discloses a method and an apparatus for message matching using pattern decisions in a message matching and automatic response system (col. 1, lines 1-4 et seq.) In particular, Walster discloses a computing arrangement coupled to a message processor (fig.2, item 12). Walster also teaches the creation of a pattern database (fig.2, items 42, 44) that includes a plurality of pattern definitions (fig. 2, item 52) and response definitions (fig.2, item 54), wherein each pattern definition is associated with a response definition including commands and instructions for queuing (saving) said commands to a storage medium (fig. 2, item 56 et seq.) Walster further teaches the receipt of message character strings (fig. 2, item 14) at a message processor (fig.2, item 50). In addition, Walster teaches the searching of the pattern database for pattern definitions that match the message character strings (fig. 33A, item 340 et seq.) Upon a match between the pattern definitions the messages, Walster teaches that commands are added to the storage medium, wherein said commands are subsequently retrieved from said medium and forwarded to the computing arrangement (col. 6, lines 15-25 et seq.)

As to claim 2, Walster teaches a pattern definition that matches a command prompt message and retrieving a command to be forwarded to the host computer (fig. 1; col. 6, lines 15-25 et seq.)

As to claim 3, Walster teaches a host computer coupled to a storage medium (fig. 1, item 10) and an operations processor coupled to the host and the data storage system (fig. 1, item 12), and a plurality of pattern definitions matching a plurality of selected messages having associated responses that are commands required for high level operation (col. 3, lines 45-55 et seq.)

As to claim 4, Walster teaches a plurality of command queue data structures defined in a pattern database wherein each queue has a priority level relative to other commands (col. 15, lines 12-28 et seq.) Walster also teaches adding responses to selected commands to the storage medium, as well as de-queuing said responses from the command queues to be forwarded to the host processor based the priority according to which they were stored (col. 15, lines 36-46 et seq.)

As to claim 5, Walster teaches a pattern definition that matches a command prompt message and retrieving a command to be forwarded to the host computer (fig. 1; col. 6, lines 15-25 et seq.)

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As to claim 6, Walster teaches a host computer coupled to a storage medium (fig. 1, item 10) and an operations processor coupled to the host and the data storage system (fig. 1, item 12), and a plurality of pattern definitions matching a plurality of selected messages having associated responses that are commands required for high level operation (col. 3, lines 45-55 et seq.)

As to claim 7, Walster teaches a terminal emulation session between the operations processor and the data storage system (fig. 1), for transmitting commands from the data storage system to the operation processor (fig. 1, item 14) and back to the data processor (fig. 1, item 16).

As to claim 8, Walster teaches defining command queues as a character strings and adding character strings representing the commands and delimiting the character strings with a selected character (col. 15, line 47- col. 16, line 18 et seq.)

5. The limitations of claims 9-16 have already been addressed in the discussion of claims 1-7 above. They are therefore rejected for the same reasons.

Remarks

Applicant argues that Walster does not teach a command queue for queuing commands thereto. Applicant alleges that although Walster teaches the storage of commands in a storage medium does not necessarily imply that a queue is being used. In response to the preceding arguments,

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the Examiner respectfully submits that the claimed limitation of queuing commands to the command queue can be construed as commands being routed at different times to a storage system in a particular order. Similarly, Walster's teaching discloses the issuance of a plurality of commands routed over time to a storage medium.

Applicant also argues that the rejection is improper because it does not distinguish between the commands that are part of the response definition and the additional instructions for queuing the commands to a command queue. In response to the preceding arguments, the Examiner respectfully submits that Walster's teaching of forwarding commands to a storage medium at different times implicitly discloses the instructions for forwarding the commands to the storage medium since the instructions can be construed as the actual requests to queue the commands to the storage medium.

In light of the foregoing arguments, the 35 USC 102 rejection is proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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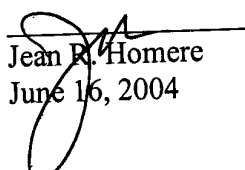
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homere whose telephone number is (703)-308-6647. The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231, **or faxed to:** (703) 872-9306. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Jean R. Homere
June 16, 2004